THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5209 of 2006

Between:

The Jyothi Gram Panchayat, rep.

By its Surpanch, Jyothi Village,

Sidhout Mandal, Kadapa District. … Petitioner

And

The District Level Committee

(Sand Quarrying), Kadapa, rep. By its

Chairperson, Zilla Parishad, Kadapa

District.

…Respondent

ORDER:

Petitioner questions the action of the respondents in issuing the tender-cum-auction notification through proceedings REC.No.131/ 2005-A4, dt.2.3.2006 as published in Andhra Jyothi daily newspaper dated 3.3.2006 with regard to the granting of leasehold rights for quarrying and transport of sand at Jyothi Village, Sidhout Mandal, Kadapa District.

The Jyothi Gram Panchayat represented by its Surpanch filed this

writ petition questioning tender-cum-auction notification dt.2.3.2006 issued by the District Level Sand Transport Committee calling for applications for auction of the sand reach of Jyothi Gram Panchayat of Sidhout Mandal on 18.3.2006. It is stated that Penna River is passing through the lands of Jyothi village and the Government never permitted sand quarrying in respect of the said reach of Jyothi Gram Panchayat in view of the flow of the river. It is stated that the quarrying of sand at the Jyothi Gram Panchayat would result in endanger to the fields and village itself. It is further stated that there is no approach road to the riverbed to lift the sand for the quarry and the said notification is illegal and contrary to Andhra Pradesh Minor Mineral Concession Rules, 1966 issued in G.O.Ms.No.1, Industries and Commerce (MI) Department, dt.1.1.2001.

Heard the learned counsel for the petitioner and the learned Government Pleader on behalf of respondents.

The learned Government Pleader appearing for the respondents, on the other hand, submits that the River Conservator is also a member of the District Level Committee for finalizing the auction of sand quarrying and after obtaining of recommendation of the River Conservator the notification for granting of lease hold rights for quarrying the sand in the said reaches has been issued and therefore the said notification 2.3.2006 is not illegal or arbitrary or violative of any provisions of the Andhra Pradesh (Andhra Area) Rivers Conservancy Act.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that there is no material whatsoever to say that the said sand quarry, which is finalized by the District Level Committee, is without following the due procedure. In the absence of any specific material placed before this Court alleging that the said sand quarry is contrary to any of the rules framed in G.O.Ms.No.1, Industries & Commerce Department, dated 1.1.2001 amended from time to time, I am not inclined to admit this writ petition.

The writ petition is accordingly dismissed at the admission

stage. No order as to costs.

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(V.ESWARAIAH, J.)

17.3.2006

kpr